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13 Attorneys for Defendant  
14 VITAL PHARMACEUTICALS, INC.,  
D/B/A VPX SPORTS  
15

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**  
18

19 MONSTER ENERGY COMPANY,  
20 a Delaware corporation,

21 Plaintiff,

22 vs.

23 VITAL PHARMACEUTICALS, INC.,  
d/b/a VPX Sports, a Florida corporation;  
24 and JOHN H. OWOC a.k.a. JACK  
OWOC, an individual,

25 Defendants.  
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Case No. 5:18-cv-1882-JGB-SHK

**JOINT STATEMENT OF PLAINTIFF  
MONSTER ENERGY COMPANY  
AND DEFENDANT VITAL  
PHARMAECUTICALS, INC. IN  
RESPONSE TO THE COURT'S  
AUGUST 1, 2023 ORDER [Dkt.  
No. 998]**

Judge: Hon. Jesus G. Bernal

1 Plaintiff Monster Energy Company (“Monster”) and Defendant Vital  
2 Pharmaceuticals, Inc. (“VPX”) submit this joint statement in response to the Court’s  
3 August 1, 2023 Order inquiring whether the parties intend to withdraw their respective  
4 pending motions. For the reasons set forth below, Monster and VPX do not intend to  
5 withdraw the pending motions.

6 On July 31, 2023, a Monster affiliate completed the purchase of substantially all  
7 of VPX’s assets. Notwithstanding the asset sale, VPX’s chapter 11 case remains  
8 pending. VPX and its affiliated debtors (the “Debtors”) intend to submit to the  
9 Bankruptcy Court a plan of liquidation that, if confirmed, will provide for distribution  
10 of the Debtors’ remaining assets, including to creditors such as Monster.

11 Pursuant to the parties’ agreement and order of the Bankruptcy Court approving  
12 same, Monster has an allowed general unsecured claim in VPX’s bankruptcy case in  
13 amount to be determined based on this Court’s rulings on the pending motions. Thus,  
14 resolution of the pending motions is necessary to fix the monetary amount of  
15 Monster’s claim as a creditor in VPX’s chapter 11 case. Resolution of the pending  
16 motions is also necessary because Monster has independent claims against Defendant  
17 John H. Owoc, which are not resolved by the agreement between VPX and Monster.

18 For the foregoing reasons, Monster and VPX respectfully request that the Court  
19 rule on the pending motions and enter final judgment in the matter.

20  
21 Dated: August 7, 2023

HUESTON HENNIGAN LLP

22  
23 By: 

24 Allison L. Libeu  
25 Attorneys for Plaintiff Monster  
26 Energy Company  
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1 Dated: August 7, 2023

QUARLES & BRADY LLP

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3 By: /s/ David P. Muth  
4 David P. Muth  
5 Attorneys for Defendant Vital  
6 Pharmaceuticals, Inc.  
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